

HAMPTON PLANNING BOARD

Minutes

December 17, 2008 – 7:00 p.m.

PRESENT: Tracy Emerick, Chair
Fran McMahon
Keith Lessard
Tom Higgins
Mark Loopley, Clerk
Richard Bateman, Selectman Member
Ann Carnaby, Alternate
James Steffen, Town Planner
Candice Sicard, Planning Secretary

ABSENT: Robert Viviano, Vice-Chair

I. CALL TO ORDER

Chairman Emerick began the meeting at 7:00 PM by introducing the Board members and leading the Pledge of Allegiance to the flag.

II. ATTENDING TO BE HEARD

III. PUBLIC HEARING ON ZONING ORDINANCE AMENDMENTS

Mr. Steffen noted that amendments five and six are reversed on the written descriptions.

Amendment #1 - Small Wind Energy Systems

Mrs. Carnaby noted that there was discussion on the Energy Committee about adding the small chart on page seven of the model ordinance that showed setbacks included. There was discussion about material changes and providing the proper legal notice. The Board noted that the purpose of the amendment is to allow small wind energy systems to be built. There was discussion about setbacks and it was clarified that it should be from the closest point of the tower base to the property line. It was questioned whether or not a guide-wire is a structure and it was determined that it is not. The Board discussed adding the small chart to the article and decided that brevity was a goal in writing this originally, and the chart will remain omitted. Mr. Steffen suggested adding wording that states that if an existing nonresidential use wants to add a small wind energy system it requires site plan review. After a brief discussion, the Board decided that this change is not necessary at this time. It was noted that the amendment allows only one windmill per lot.

Amendment #2 - Solar Panels

Art Moody, 3 Thomsen Road stated his concerns.

Amendment #3 - Special Flood Area & Construction Provisions

It was noted that this is the backup wording to the brief wording that will appear on the Town Ballot for the flood hazard area changes. Mr. Higgins wanted to clarify for anyone viewing the document that the underlined material denotes what is new and the strike through denotes removed verbiage. Steffen noted that there are two sections being addressed, 2.4 Special Flood Area and 11.6 Flood Plain Development Regulations. Some zone designations have been changed but all of the changes will not be reprinted on ballot. There will however be a paragraph stating to adopt the FEMA changes.

HAMPTON PLANNING BOARD

Minutes

December 17, 2008 – 7:00 p.m.

Art Moody, 3 Thomsen Road stated his concerns.

Amendment # 4 - Implementing new buffer and dimensional requirements for the Business-Seasonal (BS) District

It was noted that the legal notice states the requirements will be for the Business Seasonal (BS) District but the Board has since changed this to wherever multifamily dwellings are allowed.

Art Moody, 3 Thomsen Road stated his concerns.

It was noted that the majority of variances requested are related to the forty-foot setbacks. This is an attempt to rectify that.

Amendment # 5 - To designate the Hampton Salt Marsh Complex as a “prime wetland”

Ellen Goethel Chairwoman of the Conservation Commission noted that the article came forth by grant and that Gove Environmental did the study which also encompasses Hampton Falls. The results of the study showed four areas that met the requirements and delineations to be considered Prime Wetlands through the State of NH. The Conservation Commission would like to take the wetlands complex and have the Town designate it as a prime wetlands. If the State then decides that these areas will be considered prime wetlands then there will be no minimum-impact applications for these areas. Applications for work in prime wetland will require site inspection from the DES which requires a DES public hearing. Another benefit from having the areas considered prime wetlands is that all violations in those areas are looked at more quickly and more strictly. If voted as prime wetland the Town does have the ability to later change, or un-assign the area as prime wetlands so long as there is a town meeting vote. The Atlantic Ocean, Hampton Harbor and associated title waters are considered for the areas of prime wetland.

The construction related article takes out named documents and dates and will say the Town will follow State code as designated.

Art Moody, 3 Thomsen Road stated his concerns.

Amendment #6 - To designate the Atlantic Ocean and Hampton Harbor and their associated tidal waters to the definition of “tidal wetlands.”

Ellen Goethel explained the importance of designating Hampton Harbor as a tidal wetland. She noted that adding the Atlantic Ocean as a tidal wetland is something that many assume is already in place and adding the ocean as a wetland will help the ordinance be more specific. The Atlantic Ocean is describes the body of water up to its highest observable tide.

Amendment # 7 - Update the current Building Code to conform with the State Building Code, State Fire Code and Life Safety Code

Chairman Emerick noted that there were guidelines written into the building codes and the State has continually updated the guidelines. In order to ensure that the ordinance is inclusive of every

HAMPTON PLANNING BOARD

Minutes

December 17, 2008 – 7:00 p.m.

updated guideline from the state this amendment removes any names documents and dates and replaces it by saying the building ordinance shall follow the latest code adopted by the state. It was noted that this amendment would be presented as a short paragraph on the ballot.

Art Moody, 3 Thomsen Road stated his concerns.

There was discussion about the last paragraph, the enforcement mechanism. It was noted that at end of the current zoning and building ordinance, the Board Of Selectmen are also enforcers of the ordinances, and have the right to issue cease and assists. It was questioned whether or not this needs to be added in the amendment. The purpose of adding this wording would determine whether or not it would omit the selectmen from building codes. The Board agreed to review a copy of 155 A-2 and 11.2 B-6 for next public hearing on January 7th, 2009 to determine if the Board of Selectmen needs to be added.

IV. CONTINUED PUBLIC HEARINGS

08-044 321 Lafayette Road Cont. from 08/06/08, 09/17/08, 10/01/08, 11/05/08, 11/19/08
Map 175/10, 175/13, 176/15, 175/20, & 176/15-1
Applicants: Tropic Star Development, LLC., Katherine Tinios Revocable Trust, Galley Hatch Enterprises, LLC, John M, Tinios Revocable Trust (John M. Tinios, Trustee), & First NH Bank (c/o Citizens Bank- Corporate Tax Dept.).
Site Plan Review: To construct a pharmacy and attached retail space; add restaurant patio and expanded parking.
Owner of Records: Katherine Tinios Revocable Trust (175/10), Galley Hatch Enterprises, LLC (175/13), John M, Tinios Revocable Trust (John M. Tinios, Trustee (176/15 & 175/20), First NH Bank (c/o Citizens Bank- Corporate Tax Dept. (176-15-1)

APPLICANT

Joe Coronati, Jones and Beach, Attorney Peter Saari, Cassassa and Ryan noted that the project was conditionally approved (Option C) with the stipulation the applicant follow the suggestions offered during the plan review process. Mr. Coronati noted that he had submitted a new plan showing the comments that had been addressed from Ambit Engineering.

PUBLIC

No Comment

BOARD

No Comment.

MOVED by Mr. Higgins to conditionally approve the Option C plan dated 12/10/2008 to the above referenced project with the stipulation that all conditions listed on the Ambit Engineering Memo (11-19-08), the Department of Public Works Memo (11-18-08) and the Fire Department Memo (11-13-08) be met to the satisfaction of the Town Planner. In addition, all of the stipulations of the Town Planner's memo must be met.

SECOND by Mr. Lessard

VOTE: 6-1-0 Mr. McMahon Opposed **MOTION PASSED**

HAMPTON PLANNING BOARD

Minutes

December 17, 2008 – 7:00 p.m.

V. CONSIDERATION OF MINUTES of Dec 3, 2008

BOARD

Page 2: Added “The applicant agreed that all parking shall be onsite”

Moved by Mr. Lessard

SECOND by Mr. McMahon

VOTE: 6-0-1 Ms. Carnaby Abstained **MOTION PASSED**

VI. CORRESPONDENCE

VII. OTHER BUSINESS

Chairman Emerick noted that the Board is preparing to take legal action against the RPC for nonperformance on the zoning amendment work. The Chair noted that pursuing litigation may help the Board get out of its current contract while still having the original money allocated.

VIII. ADJOURNMENT

Moved by Mr. Lessard to adjourn

SECOND by Mr. Loopley

VOTE: **7-0-0** **MOTION PASSED**

Meeting adjourned at 8:09pm

Respectfully Submitted,
Candice Sicard, Planning Secretary